IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN INSOLVENCY

NOTICE OF MOTION NO. 143 OF 2005
IN
INSOLVENCY PETITION NO. 88 OF 1967
N.M. DATED 8.9.2005

Re.: Hafizabeguma Syed Abdul Hamid Kadri... Insolvent

Ex-parte:
Ashrafali Q. Jairajbhoy (since deceased)
... Petn. Creditor

Syed Mohammed Shah Kadri ... Applicant

Miss Suman Jain for the applicant.

Mr. R.B. Mehta, Income Tax Inspector, Ward No.18 (3) (2) present.

Mr. Anil Kumar J. Dhapsekar i/by Payne & Co. for the Respondent No.7.

Mr. N.P. Lashkari i/by Mulla & Mulla for Mumbai Port Trust.

CORAM: P.V. KAKADE, J.

DATED: 6TH DEC., 2005

P.C.:

1. Heard advocate for the applicant debtor who undertakes to deposit the entire dues with the Official Assignee after confirming the figure payable by her.

2. The officer from the Income Tax Department Mr. R.B. Mehta, Income Tax Inspector, has put up an application

making their demand from the said debtor. However, it is to be noted that the said claim of the Income Tax Department is already rejected by the Official Assignee.

In view of this position, the Income Tax Department, if they so wish, is required to file their own notice of motion to set aside the order of the Official Assignee rejecting their claim.

3. So far as other claims are concerned, their claims are with the Official Assignee and the applicant to ascertain the figure of the amount in order to deposit the same. The advocate for the applicant makes statement that she is ready to deposit the dues even tomorrow. The Official Assignee confirms that the total amount due from the debtor is to the extent of Rs.8,72,000/-. The debtor to deposit the said amount within one week from the date of this order.

The original debtor has expired and the applicant is a legal heir of the said applicant and hence he shall provide the indemnity bond for the said amount.

With these directions, the notice of motion stands disposed of with no order as to costs.

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